

CLARK COUNTY STAFF REPORT

DEPARTMENT: Treasurer

DATE: 11/20/13

REQUEST: Authorize Chair of the Board of County Commissioners of Clark County, Washington, extending, through December 31, 2014, the retention of Foster Pepper PLLC as bond and special counsel for the County.

CHECK ONE:	X	Consent	 CAO

BACKGROUND

In 2006, the County retained the law firm of Foster Pepper, PLLC, as bond counsel for the County and extended that contract in 2012 to cover the period ending December 31,2013. The contract as written provides for an additional one-year extension period.

The attached Resolution has been approved by the Clark County Prosecuting Attorney and does not require the presiding judge of the Clark County Superior Court to sign pursuant to advice from the Prosecuting Attorney's Office.

COMMUNITY OUTREACH

N/A

BUDGET AND POLICY IMPLICATIONS

Certain professional advice is covered within the Treasurer's adopted budget but is customarily a cost that is included in the bond issue that is ultimately sold.

Department specific advice requires Prosecuting Attorney approval and hourly fees associated for specific attorney services are identified in the contract.

FISCAL IMPACTS

	ann attached	form	\ \	7 No
Yes (see attached	form) 🔀	No

III. B – Expenditure by object category

	Current Biennium		Next Biennium		Second Biennium	
Fund #/Title	GF	Total	GF	Total	GF	Total
Salary/Benefits						1
Contractual						
Supplies						
Travel						
Other controllables						
Capital Outlays						
Inter-fund Transfers						
Debt Service						
Total						

CLARK COUNTY, WASHINGTON

RESOLUTION NO. <u>2013-11-16</u>

A RESOLUTION of the Board of County Commissioners of Clark County, Washington, extending, through December 31, 2014, the retention of Foster Pepper PLLC as bond and special counsel for the County.

WHEREAS, pursuant to Resolution No. 2006-11-12, adopted November 20, 2006, Clark County, Washington (the "County") retained the law firm of Foster Pepper PLLC of Seattle, Washington ("Bond Counsel"), as bond counsel to the County for a term ending December 31, 2010; and

WHEREAS, it was deemed in the best interests of the County that, pursuant to Section 8 of Resolution No. 2006-11-12, the contract with Bond Counsel was extended for an additional two-year term through December 31, 2012 under Resolution No. 2010-09-06; and

WHEREAS, it was deemed in the best interests of the County that, pursuant to Section 8 of Resolution No. 2006-11-12, the contract with Bond Counsel was extended for an additional one-year term through December 31, 2013, under Resolution No. 2012-09-03; and

WHEREAS, it is deemed in the best interests of the County that, pursuant to Section 8 of Resolution No. 2006-11-12, the contract with Bond Counsel be extended for an additional one-year term through December 31, 2014; and

WHEREAS, RCW 36.32.200 requires a written contract of employment between the County's legislative authority and special counsel, including contract amendments, to be

executed by the parties and approved by the presiding superior court judge of the County, for such employment;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, WASHINGTON, as follows:

Section 1. Extension of Employment of Bond Counsel. The terms of Resolution 2006-11-12 shall be extended through December 31, 2014. All other terms of Resolution 2006-11-12 shall remain in full force and effect. This contract extension shall be subject to the Prosecuting Attorney's extension of the appointment of Foster Pepper PLLC or its responsible attorneys as Special Deputy Prosecuting Attorneys. This contract extension shall also be subject to the approval of the Presiding Superior Court Judge of the County in accordance with RCW 36.32.200.

Section 2. Ratification of Prior Acts. Any actions previously taken by officers or employees of the County and consistent with the provisions of this resolution are ratified and confirmed.

ADOPTED by the Board of County Comr	nissioners of Clark County, Washington, at a
regular open public meeting, held this day of	NOVember, 2013.
	BOARD OF COUNTY COMMISSIONERS CLARK COUNTY, WASHINGTON Chairman and Commissioner
ATTEST: Clerk of the Board	
APPROVED AS TO FORM: Chris Horne, Chief Deputy Civil Prosecuting Attor	_ ney
Foster Pepper PLLC accepts the extens	sion, through December 31, 2014, of our
employment as Bond Counsel in accordance with the	he provisions of the foregoing resolution.
	FOSTER PEPPER PLLC
	By William G. Tonkin, Member
The foregoing contract is approved this	day of, 2013.
	Presiding Judge of the Superior Court of the State of Washington In and for Clark County